



Daniel Lukic - 9710 0668
File Ref: DN18/0003

09 April 2018



Emma Butcher
Department of Planning & Environment
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SYDNEY NSW 2001

Email: Emma.Butcher@planning.nsw.gov.au

Dear Ms Butcher

Development Referral No: DN18/0003

Property: 580 Princes Highway KIRRAWEE NSW 2232

Proposal: Section 75W Modification (MOD 6) to Concept Plan for Kirrawee Brick Pit (MP10-0076) - Amend Condition No. 14 to clarify that future non-residential uses are not to be constrained by the non-residential car parking provision

Thank you for the opportunity to review the revised s75W Modification Application documentation in response to Council's letter of 23 February, 2018. A comprehensive assessment has been undertaken and the following comments are provided for your assistance.

As stated in its original response, Council does not raise any objection to the proposed amendments to Condition 14 of the Concept Approval in terms of clarifying the 'maximum vs. minimum' aspect.

Council's concerns relate to the range of permissible land uses that are not listed in the condition. Council's last letter suggested that *"perhaps the condition ought to be modified so that uses outside those listed in it are considered on their merit at the time of application with regard to parking."* This would allow Council to properly discharge its responsibility to assess impact under s.4.15 of the EP&A Act at the appropriate time.

As highlighted in previous responses to s75W applications, the local road system is under substantial pressure as a result of the South Village development, the court approved supermarket opposite on Flora Street, and other developments within the area. It is imperative that Council be afforded the opportunity to assess the commercial uses proposed for South Village so as to ensure that the public road system operates satisfactorily and that existing on-street parking does not suffer as a direct result of higher traffic and parking generating land uses occupying the site than were anticipated during assessment of the Concept Plan.

It is disappointing that the author of the supplementary traffic report questions *"Council's ability to undertake a subjective merit assessment when it comes to development at the South Village site"* (page 7, paragraph 8). The author cannot provide any certainty that future development applications will not result in vehicular conflict and parking shortfalls due to the nature of the uses, but seeks to deny the opportunity for this to be assessed in future.

Council does not support the adoption of the last sentence in the explanatory note (extract provided below). Council is of the opinion that its adoption is contrary to Condition 14(b) of the Concept Plan approval whereby an *“updated schedule of parking allocations for the site shall be prepared and submitted with each subsequent application.”*

The adoption of the wording proposed by the applicant will circumvent a proper merits based assessment of future development applications within the commercial component of South Village against s4.15(1)(a)(iii) of the EP&A Act, relating to Development Control Plans. Council will consider variations for land uses that are not listed in Condition 14(a)(ii), however, the onus should be on future applicants to justify and provide sufficient information for Council to make an informed decision on the merits of each case.

Based on the above, it is recommended that the Department amend Condition 14 as follows:

14. CAR PARKING

Future applications shall address the following:

a) Total number of car parking spaces for the proposed development shall not exceed the following car parking rates:

i. residential component of the development:

- 1 space per 1 bedroom unit;
- 1.25 spaces per 2 bedroom unit;
- 1.5 spaces per 3 bedroom unit; and
- 0.125 visitor space per unit (1 space per 8 units).

ii. non-residential component of the development (including the replacement of 40 street car parking spaces displaced by the development):

- Supermarket – 4.5 spaces per 100m²;
- Mini-Major (faster trade retail) – 4.0 spaces per 100m²;
- Speciality Retail (incl. secondary retail, kiosks) – 4.2 spaces per 100m²;
- Showroom – 2.4 spaces per 100m²;
- Office – 2.5 spaces per 100m²; and
- Medical – 0.9 spaces per 100m².

iii. Where a land use not listed above is proposed, parking shall satisfy the rates in Sutherland Shire Council's DCP at Chapter ~7 (B2 Local Centre B4 Mixed Use Kirrawee) or Chapter 36 (Roads, Vehicular Access, Traffic, Parking and Bicycles) or the rates in the RMS Guide to Traffic Generating Development (irrespective of whether or not the car parking control is expressed as a minimum, maximum or absolute standard).

Explanatory Note: The imposition of a maximum car parking rate for the non-residential component of the development is intended to control traffic generation allocated with the development and to encourage alternative forms of transport such as walking, cycling and public transport use. Future use of the non-residential components of the development shall not be restricted based on parking provision.

b) An updated schedule of parking allocations for the site shall be prepared and submitted with each subsequent application.

- c) *Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.*
- d) *The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.*
- e) *The provision and implementation of a car share scheme.*
- f) *All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.*
- g) *South Village Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network if requested by Council.*
- h) *A community bus and taxi drop off shall be provided in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.*

I trust this assists with the assessment and determination of the modification application.

If you need further clarification of the above comments, please contact Daniel Lukic, Development Assessment Officer on 9710 0668 or email dlukic@ssc.nsw.gov.au and quote the application number in the subject.

Yours sincerely



Peter Barber
Director Shire Planning